



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2403009  
**Applicant Name :** Greg Bader  
**Address of Proposal:** 1407 Bigelow Avenue N

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future construction of a 169 square foot second floor addition and a 69 square foot first floor addition to an existing non-conforming single family residence.

The following approvals are required:

**Variance** - To allow portion of principal structure to extend into the required front yard in a single family zone. 15'7" required; 15 feet provided.  
Seattle Municipal Code 23.44.014(A)

**Variance** - To allow portion of principal structure to extend into the required rear yard in a single family zone. 11'5" required; 4 feet provided.  
Seattle Municipal Code 23.44.014(B)

**Variance** - To allow the expansion of nonconforming structure in a single family zone.  
Seattle Municipal Code 23.42.112(A)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or  
involving another agency with jurisdiction.

## **PROJECT DESCRIPTION:**

The proposed project consists of a 4' x 16'5" extension to the existing kitchen at the northwest corner of the existing house, which adds 67.69 s.f. to the existing footprint; a second floor bathroom/dormer addition at the northwest corner of the existing house that lies inside of the existing house footprint and extends to the west over the proposed kitchen addition below, which adds no additional lot coverage besides the 67.69 s.f. addition mentioned above; a second floor bedroom addition to the west side of the house that lies inside of the existing house footprint, which also adds no additional lot coverage besides the 67.69 s.f. addition mentioned above.

## **PUBLIC COMMENT**

None.

## **ANALYSIS**

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

Size: The original lot size was 4,289 s.f. and it is located in a 5,000 s.f. zone. The city condemned the west 30' of the lot for roadway (per ordinance no. 28143), reducing the already substandard lot by 1,575 s.f. making the current lot size 2,853 s.f. This situation was not created by the owner or the applicant.

Shape: The lot shape is a trapezoid: This shape creates a disadvantage when we apply the code yard requirements because it approximates a square. In general city lots have a rectangular shape that favors the front-rear yard requirements, the sum of which, in general, is larger than the sum of the side yards. This situation was not created by the owner or the applicant.

Topography: The property is a designated steep slope area, but this situation does not impinge on the proposed additions.

Location: This is a "through lot" that is bordered on 3 sides by public right of ways. This situation was not created by the owner or the applicant.

Surroundings: Due to the irregularity of street layout and resulting irregular lot shapes, caused by steep topography in the area, this property is overly penalized by code restrictions that more easily apply to lots with regular size and shape. This lot is one of many lots in the same situation in this neighborhood. This situation was not created by the owner or the applicant.

Based on all of the above, the strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone, which generally have a more regular shape and size in this neighborhood. The additions proposed (67.69 s.f. addition to the foot print area with a total square footage of 199.51s.f. being added to a residence of 2,189.67 s.f.) are relatively insignificant and are not unusual of remodels in the area.

2. ***The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The subject property is at a disadvantage in the sense that it was a substandard lot to begin with. When the city condemned the west 30' for a street right of way the lot size was further reduced to 2,853 s.f. This property is in a SF 5,000 zone.

The proposed additions are minimal, adding only 67.69 s.f. to the original footprint area. Only one of the three proposed elements of the project involves an addition to the existing footprint of the house. The additions proposed do not constitute a grant of special privilege inconsistent with the limitations on other properties. They merely bring the functionality of the property up to neighborhood norms, while maintaining the scale and architectural and aesthetic integrity of the property. To modify the design to exclude the portions requiring variance would add considerable construction difficulty and cost, and diminish the aesthetics appeal not only for the subject house but for the public in general, since this is a corner/through lot with high visibility.

3. ***The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The additions proposed are relatively insignificant and are not unusual for remodels in the vicinity. They would not be detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located. Street appeal of the subject property would actually improve. The additions do not restrict/obstruct views from any neighboring properties.

4. ***The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;***

To modify the design to exclude the portions requiring variance would involve disproportionate reconstruction of the entire property relative to what would typically be required for such minor additions. This would cause practical difficulties at least, and seemingly undue hardship as well. It would also potentially diminish the aesthetics appeal not only for the subject house but for the public in general, since this is a corner/through lot with high visibility.

5. ***The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.***

Granting the requested variances would be consistent with the spirit and purpose of the Land Use Code and its adopted Land Use Policies and Comprehensive Plan in that the proposed additions would allow for functional enhancement of the site and structure while not negatively impact public health, safety or general welfare.

**DECISION - VARIANCE**

The proposed variance to remodel and expand an existing nonconforming residential structure as described in the summary of proposed action above is **Approved**.

Signature: \_\_\_\_\_ (signature on file) Date: November 25, 2004  
Paul Janos, Land Use Planner

PMJ:bg

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